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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,263	03/01/2004	Hironobu Takizawa	17489	4220

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EXAMINER

SMITH, PHILIP ROBERT

ART UNIT	PAPER NUMBER
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3739

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,263

Applicant(s)

TAKIZAWA ET AL.

Examiner

Philip R. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/1/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-54 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election of Species

[01] This application contains the following generic claims: 1-2, 7, 14, 18-24. Claims 3-5, 13, and 15-17 are directed to the following patentably distinct species of *notifying device*:

[01a] Wherein the notifying device is a sound generating device (claims 3 & 15).

[01b] Wherein the notifying device is a light emitting device (claims 4, 13 & 16).

[01c] Wherein the notifying device is a vibrating device (claims 5 & 17).

[01d] Applicant is required under 35 U.S.C. 121 to elect a single disclosed species of *notifying device* for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

[02] This application contains two distinct species of position specifying information:

[02a] Wherein the position specifying information is supplied extracorporeally (claims 25-32 as subspecies).

[02b] Wherein the position specifying information corresponds to a physical quantity determined within the body (claims 6, 8-12, 33-52).

[02c] Applicant is required under 35 U.S.C. 121 to elect a single disclosed species of position specifying information for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The following is a further requirement to elect a single subspecies corresponding to respective species [02a] and [02b]. If species

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[02a] is elected, paragraph [03] is relevant and paragraphs [04] and [05] are moot. If species [02b] is elected, paragraph [03] is moot and paragraphs [04] and [05] are relevant.

Election of Subspecies

[03] With regard to species [02a], if elected: This application contains claims directed to the following patentably distinct subspecies of *extracorporeally supplied position specifying information*:

[03a] Wherein the position specifying information is electric waves (claim 28).

[03b] Wherein the position specifying information is sound waves (claim 29).

[03c] Wherein the position specifying information is magnetic field (claim 30).

[03d] Wherein the position specifying information is strong light (claim 31).

[03e] Wherein the position specifying information is a physical quantity (claim 32).

(At first glance, this claim appears to contradict claim 27, upon which it depends.)

[03f] If species [02a] is elected, Applicant is required under 35 U.S.C. 121 to elect a single disclosed subspecies of *extracorporeally supplied position specifying information* for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

[04] With regard to species [02b], if elected: This application contains claims directed to the following patentably distinct subspecies of *position specifying information*

corresponding to a physical quantity determined within the body:

[04a] Wherein the position specifying information corresponds to an operated timer (claim 6).

[04b] Wherein the position specifying information corresponds to pressure (claims 8 & 38).

[04c] Wherein the position specifying information corresponds to temperature (claims 9 & 42).

[04d] Wherein the position specifying information corresponds to an pH (claims 10 & 34).

[04e] Wherein the position specifying information corresponds to an optical sensor (claims 11-12).

[04f] Wherein the position specifying information corresponds to the presence or absence of a characteristic material (claim 35).

[04g] Wherein the position specifying information corresponds to the presence or absence and the amount of microscopic organisms (claim 36).

[04h] Wherein the position specifying information corresponds to concentration of marsh gas (claim 37).

[04i] Wherein the position specifying information corresponds to an impedance characteristic (claim 39).

[04j] Wherein the position specifying information corresponds to a color

characteristic (claim 40).

[04k] Wherein the position specifying information corresponds to a sound characteristic (claim 41).

[04l] Wherein the position specifying information corresponds to the presence or absence and the amount of gene characteristic (claim 43).

[04m] Wherein the position specifying information corresponds to an enzyme characteristic (claim 44).

[04n] **If species [02b] is elected**, Applicant is required under 35 U.S.C. 121 to elect a single disclosed subspecies of *position specifying information corresponding to a physical quantity* for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

[05] With regard to species [02b], if elected: This application contains claims directed to the following patentably distinct subspecies of *position specifying information transmission*:

[05a] Wherein the position specifying information is transmitted via electric waves (claims 46-47).

[05b] Wherein the position specifying information is transmitted via sound waves (claim 48).

[05c] Wherein the position specifying information is transmitted via magnetic field (claim 49).

[05d] Wherein the position specifying information is transmitted via strong light (claim 50).

[05e] **If species [02b] is elected**, Applicant is required under 35 U.S.C. 121 to elect a single disclosed subspecies of *position specifying information transmission* for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Conclusion

[06] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip R. Smith whose telephone number is (571) 272 6087 and whose email address is philip.smith@uspto.gov. The examiner can normally be reached between 9:00am and 5:00pm.

[07] If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272 4764.

[08] Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

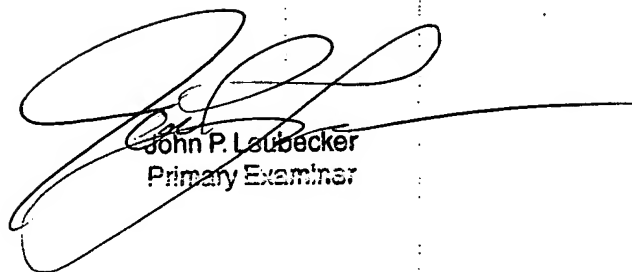
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John P. Laubecker
Primary Examiner